

Serial Number 09/910,232

Art Unit 1773

Docket No. 00/121 MFF

In the Claims:

Please amend claim 1 as follows:

1. (Amended) A transparent, biaxially oriented polyester film with a base layer B, at least 80% by weight of which is composed of a thermoplastic polyester, and with at least one outer layer A, wherein:

A1 the outer layer A is composed of a copolymer or of a mixture of homopolymers and copolymers, which contains ethylene 2,6-naphthalate units in a range of from 91 to 97% by weight and up to 10% by weight of ethylene terephthalate units, and/or units derived from cycloaliphatic or aromatic diols and/or dicarboxylic acids;

the thickness of the outer layer A is more than 0.7 μm and makes up less than 25% by weight of the total film, and

the T_g value of the polyester film is above the T_g value of the polyester for the base layer B but below the T_g value of the polyester for the outer layer A.

Please cancel claim 2.

REMARKS

On page 2, paragraph 2 of the Office Action, the Examiner rejected Claims 1 -- 15 (all the claims currently in the application) under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of US Application 09/922,615 or 09/922,674, both directed to Peiffer et al.

In view of the terminal disclaimer filed simultaneously herewith, it is now submitted that this rejection is moot. In particular, the terminal disclaimer specifically disclaims any